

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on February 9, 1999 at 3:20 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: Sen. Ken Miller, Vice Chairman (R)

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 294, 2/3/1999; SB 321,
2/3/1999; SB 350, 2/3/1999
Executive Action: SB 277-287; SB 294; SB 321; SB
264; SB 239

HEARING ON SB 321

Sponsor: SEN. REINY JABS, SD 3, Hardin

Proponents:

Gordon Morris, Montana Assoc. of Counties
John Dilliard, MT Department of Environmental Quality

Opponents: None

Opening Statement by Sponsor:

SEN. REINY JABS, SD 3, Hardin, said this is a bill defining a container site. He read the definition of container site in section 2 of the bill. Taxable valuation in a county is irrelevant to container sites being used as a transfer station. Most class 1-4 counties have small outlying communities with dumpsters that are located some distance from the landfill. Class 1-4 counties have demonstrated that it is possible to conduct solid waste transfer operations at a container site. This bill strikes 5,6,7 class counties and allows this to apply to all counties.

Proponents' Testimony:

Gordon Morris, MACo, said they are striking the language on line 18 and opening it up to all counties. It doesn't change the definition of a container site, etc. and is a consistency issue. **John Dilliard, MT Department of Environmental Quality,** said this creates a level field for all counties concerning solid waste management.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

SEN. JABS closed on SB 321.

{Tape : 1; Side : A; Approx. Time Counter : 3:26 p.m.}

HEARING ON SB 294

Sponsor: **SEN. MACK COLE, SD 4, Hysham**

Proponents:

Bob Gilbert, Rosebud Co.
Gordon Morris, MACo
Students from Colstrip

Opponents: None

Opening Statement by Sponsor:

SEN. MACK COLE, SD 4, Hysham, read the title of **SB 294**. He said in their last election the city of Colstrip went on record to become an incorporated city. He said until they vote on an issue concerning CI-75, they cannot use the tax money that is available to them. If this bill does not pass, the county, who has been providing many of these services would be unable to do so. The tax money that is now incorporated into the city would not be available for the county to use. This bill would allow the county to continue to do those services that they have been doing until the city votes and puts together a budget.

Proponents' Testimony:

Bob Gilbert, Rosebud Co., said in the event that a mill levy vote fails there would be no mechanism without this bill to keep the city running until another election occurs.

Gordon Morris, MACo, said this will provide a smooth transition.

Students from Colstrip raised their hands in support of **SB 294**.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. DUANE GRIMES asked if they had thought about a severability clause in case CI-75 is declared unconstitutional. **SEN. COLE** said the city of Colstrip is going to have to take a vote for their budget no matter what.

Mary Vandebosch said perhaps a contingent voidness clause would be better.

Gordon Morris said the city of Colstrip incorporates on July 1, 1999. If they incorporate on that date, before they can get services up to speed they have to collect November taxes. There is a transition time there were they cannot maintain roads, bridges, etc. and this would put the county in a position to do that.

SEN. CHRIS CHRISTIAENS asked if the voters turn this down, the county would be responsible for all of the maintenance, just like it was before the date of incorporation. **SEN. COLE** said yes, the area that they know as the city of Colstrip has been a part of the county for many, many years. Services were provided in many

areas, but primarily roads and streets are the big maintenance. Without this bill, they could end up in No Mans Land with the city and county not being able to use monies from the tax base.

CHAIRMAN MIKE SPRAGUE asked to have the retro-activity explained in the bill. **SEN. COLE** said this would make it so there was no gap in services. **Gordon Morris** said the vote in Colstrip took place in November and the retro-activity date would legalize the taxes assessed by the county last August. Those taxes would no longer be a liability of the people living within the incorporated city limits of Colstrip.

SEN. CHRISTIAENS asked if the money from the November taxes are setting in escrow. **Gordon Morris** said no, this is tax money dealing with county levies only.

SEN. GRIMES asked if cities ever unincorporated? **Gordon Morris** said yes they do and the county would assume all liabilities associated with services that were provided by the city.

SEN. GRIMES asked if this would require a vote under CI-75. **Gordon Morris** said if they assume CI-75 as law and the county imposes a new tax levy against those people in place of the municipal tax, Section 8, Article 17 of the Constitution will take care of that.

Closing by Sponsor:

SEN. COLE closed on SB 294.

{Tape : 1; Side : A; Approx. Time Counter : 3:42 p.m.}

HEARING ON SB 350

Sponsor: **SEN. DALE MAHLUM, SD 35, Missoula**

Proponents: None

Opponents: None

Informational Witnesses:

Gordon Morris, MACo

Opening Statement by Sponsor:

SEN. DALE MAHLUM, SD 35, Missoula, read the title of the bill and line 23.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Gordon Morris, MACo, said with the language on line 23 and 24, he is assuming that would extinguish all of the assessments levied against the owners of property in the Rural Special Improvement District. This needs to be clarified as there may be farms outstanding which cannot be extinguished that are going to continue to be a liability of the district. They can't extinguish the authority for the county to assess that nominal portion that would be identified with principle and interest on bonds whether it is water and sewer, etc.

Questions from Committee Members and Responses:

SEN. BILL GLASER asked if this bill is getting rid of the ability to assess money to keep the district running while they are getting a vote to provide new money to run this district. If the vote failed there would be a district that would have no means of funding itself. **SEN. MAHLUM** said he could get some information concerning this.

SEN. JOHN BOHLINGER asked with the passage of this bill would this eliminate all long term debt obligations. **Gordon Morris** said yes and that is his concern.

Closing by Sponsor:

SEN. MAHLUM closed on **SB 350**.

{Tape : 1; Side : A; Approx. Time Counter : 3:52 p.m.}

EXECUTIVE ACTION ON SB 278-287

CHAIRMAN SPRAGUE said **SB 277** has gone to Finance and Claims but **SB 278-287** are still in this committee.

SEN. BOHLINGER said he would like all the bills to go to Finance and Claims.

Mary Vandebosch said if **SB 277** dies the rest of the bills do not die unless the amendments are approved. **EXHIBIT (los32a01)**

SEN. LYNCH said they should not amend it in this committee.

SEN. BOHLINGER said many of these bills are directly related to housing.

Motion/Vote: SEN. BOHLINGER moved SB 278-287 GO TO FINANCE AND CLAIMS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 294

Motion/Vote: SEN. GLASER moved that SB 294 DO PASS. Motion carried unanimously 11-0.

EXECUTIVE ACTION ON SB 321

Motion/Vote: SEN. CHRISTIAENS moved that SB 321 DO PASS. Motion carried unanimously 11-0.

EXECUTIVE ACTION ON SB 239

Motion/Vote: SEN. GLASER moved that AMENDMENTS TO SB 239 BE ADOPTED. **EXHIBIT**(los32a02) Motion carried unanimously 11-0.

Motion/Vote: SEN. GLASER moved that SB 239 DO PASS AS AMENDED. Motion carried unanimously 11-0.

EXECUTIVE ACTION ON SB 264

Motion/Vote: SEN. TESTER moved that SB 264 BE TABLED. Motion carried unanimously 11-0.

ADJOURNMENT

Adjournment: 4:07 P.M.

SEN. MIKE SPRAGUE, Chairman

JODI PAULEY, Secretary

MS/JP

EXHIBIT (los32aad)